THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 2886 of 1996

Dated 02-08-2005

Between:

1 Nandyala Suryanarayana Raju, S/o. Subbaraju,
R/o. Ganapavaram, WG Dt.
2 Kottani Rambabu, S/o. Bhushanam,
R/o. Ganapavaram, WG Dt.
3 Vegesina Ramaraju, S/o. Pullamraju,
R/o. Ganapavaram, WG Dt.
4 Vegesina Anjaneyulu Raju, S/o. Subbaraju,
R/o. Ganapavaram, WG Dt.
5 Chintalapati Venkatakrishnam Raju, S/o. Sayanarayana Raju,
R/o. Ganapavaram, WG Dt.
6 Nandyala Satyanarayana Raju, S/o. Subbaraju,
R/o. Ganapavaram, WG Dt.
7 Nandyala Ramakrishnam Raju, S/o. Verraju,
R/o. Ganapavaram, WG Dt.
8 Sappa Venkateswara Rao, S/o. Simhachalam,
R/o. Ganapavaram, WG Dt.

..... PETITIONERS

AND

The District Collector,
ELURE, EAST GODAVARI DIST.

.....RESPONDENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 2886 of 1996

ORDER:

This writ petition is filed questioning the proposed acquisition of land belonging to a temple for providing house sites to Harijans by dispensing with enquiry under Section 5 A of the Land Acquisition Act (the Act).

While admitting this petition stay of all further proceedings was granted till further orders and that stay is still operative.

Since the Apex Court in **Union of India v. Mukesh Hans and Union of India v. Krishan Lal Arneja** held that dispensation of enquiry under Section 5 A of the Act, cannot be made in a routine manner, as the valuable right to the land holder would be lost, by such dispensation and since no reasons for the urgency for dispensing with the enquiry under Section 5 of the Act are forth coming, and since it is not known if the need to acquire the land for the purpose intended still subsists or not, in view of the stay granted by this Court earlier, the impugned notification for acquisition of the land of Devastanam is quashed.

Accordingly, the writ petition is allowed. No costs.

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05th August, 2005.

mrb